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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,407	04/01/2004	Juergen Holz	PEK-In 1178 D	7982
24131	7590	07/28/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			PRENTY, MARK V	
			ART UNIT	PAPER NUMBER
			2822	
DATE MAILED: 07/28/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

H/D

Office Action Summary

Application No.

10/815,407

Applicant(s)

HOLZ, JUERGEN

Examiner

MARK PRENTY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 6 and 11 is/are rejected.
- 7) ☐ Claim(s) 2-4, 7-10 and 12-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/245,627.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08).
Paper No(s)/Mail Date April 1, 2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This Office Action is in response to the papers filed on April 1, 2004.

The specification's cross-reference to parent application 10/245,627 on page 1 must be amended to include that application's patent number (i.e., United States Patent 6,762,066).

Claims 3 and 4 are objected to because "said protective layer" lacks antecedent basis in claim 1. Correction is required (claims 3 and 4 should apparently depend on claim 2, which recites a protective layer).

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 6,265,257 to Hsu et al. (Hsu, cited in the Information Disclosure Statement filed on April 1, 2004).

With respect to independent claim 1, Hsu discloses a semiconductor structure (see the entire patent, including the Figs. 2-5 disclosure), comprising: a substrate; at least one component structure applied to said substrate and having at least one crack 13 formed therein; and a repair layer having a repair material 6 filling the crack, said repair layer being removed again before one of further layers being applied and before subsequent processes being carried out (see column 5, lines 51-60).

Claim 1 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Hsu.

With respect to dependent claim 11, Hsu's repair layer fills the crack with fill 6 (i.e., it has a thickness (at least) half a maximum crack width).

Claim 11 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Hsu.

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Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over United States Patent 6,265,257 to Hsu et al. (Hsu, cited in the Information Disclosure Statement filed on April 1, 2004).

Claims 5 and 6 depend on independent claim 1, which is rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (see above). The above explanation of the rejection of independent claim 1 under 35 U.S.C. 102(b) as being anticipated by Hsu is hereby incorporated by reference into this rejection of dependent claims 5 and 6 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hsu.

The differences, therefore, between claims 5 and 6's semiconductor structures and Hsu's semiconductor structure are process differences, which are not determinative of patentability, particularly insofar as those process differences do not appear to result in different, non-obvious structures. See MPEP 2113.

Claims 5 and 6 are thus rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hsu.

Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent 4,791,073 to Nagy et al. (Nagy).

With respect to independent claim 1, Nagy discloses a semiconductor structure (see the entire patent, including the Figs. 5-8 disclosure), comprising: a substrate 10; at least one component structure applied to said substrate and having at least one crack 32 formed therein; and a repair layer 34 having a repair material 36 filling the crack, said

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repair layer being removed again before one of further layers being applied and before subsequent processes being carried out.

Claim 1 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Nagy.

With respect to dependent claim 11, Nagy's repair layer 34 fills the crack with fill 36 (i.e., it has a thickness (at least) half a maximum crack width).

Claim 11 is thus rejected under 35 U.S.C. 102(b) as being anticipated by Nagy.

Claims 5 and 6 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over United States Patent 4,791,073 to Nagy et al. (Nagy).

Claims 5 and 6 depend on independent claim 1, which is rejected under 35 U.S.C. 102(b) as being anticipated by Nagy (see above). The above explanation of the rejection of independent claim 1 under 35 U.S.C. 102(b) as being anticipated by Nagy is hereby incorporated by reference into this rejection of dependent claims 5 and 6 under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nagy.

The differences, therefore, between claims 5 and 6's semiconductor structures and Nagy's semiconductor structure are process differences, which are not determinative of patentability, particularly insofar as those process differences do not appear to result in different, non-obvious structures. See MPEP 2113.

Claims 5 and 6 are thus rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Nagy.

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Claims 2, 7-10 and 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable over the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record does not disclose the allowable semiconductor structure taken as a whole, including the repair layer.

United States Patent 6,762,066 is related to this application.

Registered practitioners can telephone the examiner at (571) 272-1843. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the Application/Control (Serial) Number. Technology Center 2800's general telephone number is (571) 272-2800.


Mark V. Prenty
Primary Examiner